

Herbert A. Viergutz, Esq.  
Barokas Martin & Tomlinson  
1029 West Third, Suite 280  
Anchorage, AK 99501  
Phone: (907) 276-8010  
Facsimile: (907) 276-5334  
Attorneys for United States Fidelity and Guaranty Company

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

UNITED STATES OF AMERICA for the use of NORTH STAR  
TERMINAL & STEVEDORE COMPANY, d/b/a NORTHERN  
STEVEDORING & HANDLING, and NORTH STAR TERMINAL &  
STEVEDORE COMPANY, d/b/a NORTHERN STEVEDORING &  
HANDLING, on its own behalf,

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of SHORESIDE  
PETROLEUM, INC., d/b/a MARATHON FUEL SERVICE, and  
SHORESIDE PETROLEUM, INC., d/b/a MARATHON FUEL  
SERVICE, on its own behalf,

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER ROCK  
PRODUCTS, INC.; UNITED STATES FIDELITY AND GUARANTY  
COMPANY; and ROBERT A. LAPORE,

Defendants.

No. 3:98-cv-9 (TMB)

**NOTICE OF FILING SUPPLEMENTAL AUTHORITY IN SUPPORT OF USF&G MOTION  
FOR SUMMARY JUDGMENT ON BAD FAITH CLAIM**

COMES NOW the Defendant, United States Fidelity & Guaranty Company (USF&G), by and through its bad faith counsel, and herein advises the Court of a recent Decision which held that the surety was not liable for tort or punitive damages for breach of the covenant of good faith and fair dealing because a surety owes no fiduciary duty to, and has no "special relationship" with, the principal. See, Insurance Company of the West v. Gibson Tile Company, Inc., 2006, W. L. 1278706 (Nev. May 11, 2006).

Dated this 15<sup>th</sup> day of June, 2006.

/s Herbert A. Viergutz

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1029 West Third, Suite 280  
Anchorage, AK 99501  
Phone: (907) 276-8010  
Facsimile: (907) 276-5334  
[barmar@gci.net](mailto:barmar@gci.net)  
Alaska Bar No. 8506088

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of this document was served by electronic notification on this 15<sup>th</sup> day of June, 2006, to:

Michael W. Sewright, Esq.  
Burr, Pease & Kurtz  
810 N Street  
Anchorage, AK 99501

Paul Stockler, Esq.  
1309 West 16<sup>th</sup> Avenue  
Anchorage, AK 99501

Traeger Machetanz, Esq./Tom Krider, Esq.  
Oles Morrison Rinker & Baker, LLP  
745 4th Avenue, Suite 502  
Anchorage, AK 99501-2136

Steven J. Shamburek, Esq.  
Law Office of Steven J. Shamburek  
425 G Street, Suite 630  
Anchorage, AK 99501-5872

/s Herbert A. Viergutz